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Privacy czar agreed to keep audit in-house

Top Veterans Affairs bureaucrat asked Stoddart to avoid outside investigators

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Veterans Affairs' top bureaucrat asked the country's privacy watchdog not to bring in outside investigators to examine the unauthorized access of veterans' personal files, arguing it would be in their mutual interest to keep the probe within the public service, according to newly released documents.

But the Ottawa man whose private financial and medical files were examined by 650 people associated with the department says Privacy Commissioner Jennifer Stoddart dropped the ball when she agreed to that request.

The November 2010 documents outlining then-deputy minister Suzanne Tining's request to Stoddart raises more questions about how the massive breach of former military officer Sean Bruyee's privacy was investigated.

Stoddart planned to hire outside specialists to do an audit of how veterans' information was handled.

"Given the significant impacts on our department from the findings of the initial investigation, I wanted to take this opportunity to ask you to reconsider this approach in favour of using your own staff," Tining wrote in a letter to "Jennifer."

"I believe it would be in our mutual interest that the auditors be very familiar with federal government operations and have the benefit of being sensitized to the environment in which we are all working."

That type of expertise would be difficult to find in the private sector, wrote Tining, who no longer works at Veterans Affairs.

Stoddart's staff eventually did the audit, which was largely favourable to Veterans Affairs. The audit, released in October, did make 13 recommendations on possible improvements.

In the past week other government documents have revealed that Veterans Affairs Minister Steven Blaney stepped in to tell the Veterans Ombudsman Guy Parent there was no longer any need for him to investigate privacy concerns. Other records obtained by the Citizen show another investigation into the Bruyeta privacy breaches, one conducted by a Veterans Affairs employee, failed to examine more than two hundred cases where employees accessed his personal file.

Government workers looked at Bruyeta's file almost 4,500 times over a 10-year period in what is considered one of the largest breaches of an individual's privacy in Canada. Most of the incidents took place during the last four years after Bruyeta became an outspoken advocate for veterans and a critic of Veterans Affairs.

The file contained details about Bruyeta's claim with the department and also about his medical and mental health, the type of prescription drugs he takes and his financial and pension information, among other data.

Stoddart originally determined Veterans Affairs broke the law when it came to handling Bruyeta's personal information, but she only looked at a small number of incidents.

That sparked a larger audit of the department.

The latest records released under the Access to Information law show Tining had found out from the privacy commissioner's staff that

Bruyeta points out that Veterans Affairs has successfully stifled any serious inquiry into the privacy violations and staff has largely avoided any punishment. "Stoddart dropped the ball and Parent backed off when he was ordered to do so by Blaney," he said.

"And their own in-house investigation was kid-gloves all the way."

Anne-Marie Hayden, communications director general for the privacy commissioner, said the audit was conducted to look at how privacy was handled at the department overall and was not directed at one particular case.

"The decision to have our office's employees rather than contractors conduct the audit was our own," said Hayden.

"The resulting audit followed the same methodology that we have used in conducting other privacy audits."

Asked about Tining's letter, Veterans Affairs issued a statement Thursday noting that the government does not tolerate any violations of veterans' privacy.

A spokesman for Blaney said that department officials have been told to co-operate with the privacy commissioner on all cases.

A spokesman for the veterans ombudsman stated in an email that he takes privacy of veterans seriously and that he does not back down from investigations.